IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Dan Scott Johnson	Examiner:	Jun Fei Zhong
Serial No.:	10/808,136	Art Unit:	2426
Filed:	March 24, 2004	Docket No.:	200207099-1
Title:	AUDIO/VIDEO COMPONENT NETWORKING SYSTEM AND METHOD		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

 This Appeal Brief is submitted in support of the Notice of Appeal filed March 3, 2010, appealing the rejection of claims 1-6, 9-12, 14-17, 19, 21-28, and 34-39 of the above-identified application as set forth in the Final Office Action dated December 3, 2009.

 The U.S. Patent and Trademark Office is hereby authorized to charge **Deposit Account No. 08-2025** in the amount of **$540.00** for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

 Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1-6, 9-12, 14-17, 19, 21-28, and 34-39.

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REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 11445 Compaq Center Drive West, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal.

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STATUS OF CLAIMS

Claims 1-6, 9-12, 14-17, 19, 21-28, and 34-39 are pending in the application (see Claims Appendix), and are the subject of the present Appeal. Claims 7-8, 13, 18, 20, and 29-33 were previously cancelled without prejudice.

Claims 1, 3-6, 9-12, 15-17, 21-25, and 34-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Farrand, U.S. Publication No. 2003/0193619.

Claims 2, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand, U.S. Publication No. 2003/0193619 in view of Margulis, U.S. Patent No. 6,263,503, and further in view of Liebenow, U.S. Patent No. 6,131,136.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francis et al., U.S. Publication No. 2004/0187152 in view of Farrand, U.S. Publication No. 2003/0193619.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis et al., U.S. Publication No. 2004/0187152 in view of Farrand, U.S. Publication No. 2003/0193619, and further in view of Liebenow, U.S. Patent No. 6,131,136.

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STATUS OF AMENDMENTS

In an Amendment and Response filed March 3, 2010 in reply to the Final Office
Action dated December 3, 2009, claim 29 was cancelled without prejudice, and claims 12 and
17 were amended to correct informalities in the claims so as to present the claims in better
form for consideration on appeal. In an Advisory Action dated March 24, 2010, the
Examiner noted that, for purposes of appeal, the proposed amendments to the claims would
be entered. The claims listed in the Claims Appendix, therefore, reflect the claims as of
March 24, 2010.

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SUMMARY OF THE CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of
the independent claims involved in the appeal, referring to the specification by page and line
number (or paragraph number) and to the drawings by reference characters, as required by 37
CFR 41.37(c)(1)(v). Note that the reference to passages in the specification and reference
characters in the drawings for each element of the claims does not imply that limitations from
the specification and drawings should be read into the corresponding claim element or that
these references are the sole sources in the specification and the drawings supporting the
claim features.

Independent claim 1 provides an audio/video (A/V) component networking system
comprising a sink component (*e.g., sink component 12 as described, for example, at para.
[0018]-[0021], [0024] and illustrated, for example, in Figs. 1 and 2*) adapted to be
communicatively coupled between a source component (*e.g., source component 16 as
described, for example, at para. [0018]-[0021], [0038] and illustrated, for example, in Figs.
1 and 3*) and a presentation device (*e.g., presentation device 14 as described, for example, at
para. [0018] and illustrated, for example, in Figs. 1-3*) for displaying A/V program data
(*e.g., A/V program data 32 as described, for example, at para. [0017]-[0021], [0023] and
illustrated, for example, in Figs. 1 and 3*) and an A/V menu data stream (*e.g., A/V menu data
119 as described, for example, at para. [0041] and illustrated, for example, in Fig. 3*)
associated with the source component on the presentation device based on a user request
transmitted from the sink component to the source component; and a data manager (*e.g., data
manager 156 as described, for example, at para. [0046]-[0047] and illustrated, for example,
in Fig. 5*) adapted to identify related A/V program data and automatically transfer the A/V
program data and the related A/V program data between a memory (*e.g., memory 30 as
described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) and an
archival storage system (*e.g., archival storage system 34 as described, for example, at para.
[0023] and illustrated, for example, in Fig. 1*) based on a sequential relationship of the A/V
program data and the related A/V program data, wherein an earlier of the A/V program data
and the related A/V program data is stored in the memory, and a later of the A/V program
data and the related A/V program data is stored in the archival storage system (*as described,*

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for example, at para. [0023], [0047], [0053]-[0055]; para. [0066]-[0068]; and blocks 500-514 as illustrated, for example, in Fig. 8).

Independent claim 12 provides an audio/video (A/V) component networking system comprising means for transmitting, via a sink component (*e.g., sink component 12 as described, for example, at para. [0018]-[0021], [0024] and illustrated, for example, in Figs. 1 and 2*) communicatively coupled between a source component (*e.g., source component 16 as described, for example, at para. [0018]-[0021], [0038] and illustrated, for example, in Figs. 1 and 3*) and a presentation device (*e.g., presentation device 14 as described, for example, at para. [0018] and illustrated, for example, in Figs. 1-3*), A/V program data (*e.g., A/V program data 32 as described, for example, at para. [0017]-[0021], [0023] and illustrated, for example, in Figs. 1 and 3*) and an A/V menu data stream (*e.g., A/V menu data 119 as described, for example, at para. [0041] and illustrated, for example, in Fig. 3*) from the source component to the presentation device based on a user request transmitted from the sink component to the source component; and means for identifying related A/V program data and automatically transferring the A/V program data and the related A/V program data between a memory (*e.g., memory 30 as described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) and an archival storage system (*e.g., archival storage system 34 as described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) based on a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system (*as described, for example, at para. [0023], [0047], [0053]-[0055]; para. [0066]-[0068]; and blocks 500-514 as illustrated, for example, in Fig. 8*).

Independent claim 17 provides an audio/video (A/V) networking method comprising transmitting, via a sink component (*e.g., sink component 12 as described, for example, at para. [0018]-[0021], [0024] and illustrated, for example, in Figs. 1 and 2*) communicatively coupled between a source component (*e.g., source component 16 as described, for example, at para. [0018]-[0021], [0038] and illustrated, for example, in Figs. 1 and 3*) and a presentation device (*e.g., presentation device 14 as described, for example, at para. [0018] and illustrated, for example, in Figs. 1-3*), A/V program data (*e.g., A/V program data 32 as described, for example, at para. [0017]-[0021], [0023] and illustrated, for example, in Figs.*

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1 and 3) and an A/V menu data stream (*e.g., A/V menu data 119 as described, for example, at para. [0041] and illustrated, for example, in Fig. 3*) from the source component to the presentation device based on a user request transmitted from the sink component to the source component; and identifying related A/V program data and automatically transferring the A/V program data and the related A/V program data between a memory (*e.g., memory 30 as described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) and an archival storage system (*e.g., archival storage system 34 as described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) based on a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system (*as described, for example, at para. [0023], [0047], [0053]-[0055]; para. [0066]-[0068]; and blocks 500-514 as illustrated, for example, in Fig. 8*).

Independent claim 26 provides an audio/video (A/V) component networking system comprising a sink component (*e.g., sink component 12 as described, for example, at para. [0018]-[0021], [0024] and illustrated, for example, in Figs. 1 and 2*) configured to be communicatively coupled between a plurality of source components (*e.g., source component 16 as described, for example, at para. [0018]-[0021], [0038] and illustrated, for example, in Figs. 1 and 3*) and a presentation device (*e.g., presentation device 14 as described, for example, at para. [0018] and illustrated, for example, in Figs. 1-3*) for displaying an aggregated listing of available A/V program data (*e.g., A/V program data 32 as described, for example, at para. [0017]-[0021], [0023] and illustrated, for example, in Figs. 1 and 3*) associated with the plurality of source components on the presentation device such that the location of the A/V program data remains transparent to the user; and a data manager (*e.g., data manager 156 as described, for example, at para. [0046]-[0047] and illustrated, for example, in Fig. 5*) adapted to automatically transfer the available A/V program data between a memory (*e.g., memory 30 as described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) and an archival storage system (*e.g., archival storage system 34 as described, for example, at para. [0023] and illustrated, for example, in Fig. 1*) based on a sequential relationship of the available A/V program data, wherein earlier A/V program data is stored in the memory and later A/V program data is stored in the archival storage system

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(as described, for example, at para. [0023], [0047], [0053]-[0055]; para. [0066]-[0068]; and blocks 500-514 as illustrated, for example, in Fig. 8).

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1, 3-6, 9-12, 15-17, 21-25, and 34-39 under 35 U.S.C. 102(e) as being anticipated by Farrand, U.S. Publication No. 2003/0193619.

Appellant seeks review of the rejection of claims 2, 14, and 19 under 35 U.S.C. 103(a) as being unpatentable over Farrand, U.S. Publication No. 2003/0193619 in view of Margulis, U.S. Patent No. 6,263,503, and further in view of Liebenow, U.S. Patent No. 6,131,136.

Appellant seeks review of the rejection of claim 26 under 35 U.S.C. 103(a) as being unpatentable over Francis et al., U.S. Publication No. 2004/0187152 in view of Farrand, U.S. Publication No. 2003/0193619.

Appellant seeks review of the rejection of claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Francis et al., U.S. Publication No. 2004/0187152 in view of Farrand, U.S. Publication No. 2003/0193619, and further in view of Liebenow, U.S. Patent No. 6,131,136.

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ARGUMENT

I. Rejection Under 35 U.S.C. §102

A. Applicable Law

To anticipate a claim under 35 U.S.C. 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

B. Rejection of claims 1, 3-6, 9-12, 15-17, 21-25, and 34-39 under 35 U.S.C. §102(e)

Because the Farrand reference fails to teach each and every element of the claims, the rejection of claims 1, 3-6, 9-12, 15-17, 21-25, and 34-39 under 35 U.S.C. 102(e) as being anticipated by Farrand, U.S. Publication No. 2003/0193619 is not correct and should be withdrawn.

Independent claim 1 includes, amongst other things and in the combination recited, **"a data manager adapted to identify related A/V program data and automatically transfer the A/V program data and the related A/V program data between a memory and an archival storage system based on a sequential relationship of the A/V program data and the related A/V program data,"** wherein **"an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system."**

Independent claim 12 includes, amongst other things and in the combination recited, **"means for identifying related A/V program data and automatically transferring the A/V program data and the related A/V program between a memory and an archival storage system based on a sequential relationship of the A/V program data and the related A/V program data,"** wherein **"an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system."**

Independent claim 17 includes, amongst other things and in the combination recited, **"identifying related A/V program data and automatically transferring the A/V program data and the related A/V program between a memory and an archival storage system**

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based on a sequential relationship of the A/V program data and the related A/V program data," wherein "an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system."

Independent claims 1, 12, and 17, therefore, each recite, amongst other things and in the combinations recited, A/V program data, identifying related A/V program data, and automatically transferring the A/V program data and the related A/V program between (a) a memory and (b) an archival storage system based on (c) a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system.

As an example, outlined in the Specification at, for example, para. [0053], "in the case of a television series, later received or recorded A/V program data 32 may be stored in archival storage system 34, while earlier received or recorded A/V program data 32 corresponding to the television series may be stored in memory 30 to enable quicker and easier access to the earlier received or recorded A/V program data 32 for presentation to the user. Thus, related A/V program data 202 stored on archival storage system 34 may be extracted from archival storage system 34 to accommodate presentation of the related A/V program data 202 corresponding to an aired sequence of episodes for the television series."

Furthermore, and with reference to Fig. 8, as outlined in the Specification at, for example, para. [0068], "[a]t decisional block 508, a determination is made whether the recently received A/V program data 32 is later in sequence than the A/V program data 32 stored in memory 30. If the recently received A/V program data 32 is later in sequence than the A/V program data 32 stored in memory 30, the method proceeds to block 510, where data manager 156 stores the recently received A/V program data 32 in archival storage system 34 as related A/V program data 202. If the recently received A/V program data 32 is earlier in sequence than the A/V data stored in memory 30, the method proceeds from decisional block 508 to block 512, where data manager 156 transfers the A/V data stored in memory 30 to archival storage system 34. The method proceeds to block 514, where data manager 156 stores the recently received A/V data in memory 30."

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With respect to the Farrand reference, Appellant submits that this reference does not disclose an audio/video (A/V) component networking system as claimed in independent claim 1, does not disclose an audio/video (A/V) component networking system as claimed in independent claim 12, and does not disclose an audio/video (A/V) networking method as claimed in independent claim 17 including, amongst other things and in the combinations recited, A/V program data, identifying related A/V program data, and automatically transferring the A/V program data and the related A/V program between (a) a memory and (b) an archival storage system based on (c) a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system.

Regarding the Farrand reference, the Farrand reference relates to an apparatus and method for improving the speed at which multimedia receivers tune to selected channels (see, e.g., Farrand, para. [0002]). More specifically, and with reference to Fig. 2b, the Farrand reference provides a home media server 110 computing architecture including a central processing unit 200 capable of processing data and multimedia content stored in main memory 201 and a mass storage device 230 for storing data and multimedia content (Farrand, para. [0043]). In this regard, and with reference to Fig. 8c, the Farrand reference provides that:

*...incoming multimedia content 860-862 from several different channels (e.g., standard broadcast channels 860, 861 and packet switched channels 862, 863) may be buffered in a set of input buffers 870-873 and output buffers 890-893 on the home media server 110. The input buffers and output buffers 870-873 and 890-893, respectively, may be **portions of memory allocated within the main memory 201** (see FIG. 2)* (emphasis added) (Farrand, para. [0116]).

Thus, to the extent the Examiner considers buffering of incoming multimedia content 860-862 of the Farrand reference in input buffers 870-873 and output buffers 890-893 to constitute wherein an earlier of A/V program data and related A/V program data is stored in a memory, and a later of A/V program data and related A/V program data is stored in an archival storage system, as recited in independent claims 1, 12, and 17, Appellant notes that input buffers 870-873 and output buffers 890-893 of the Farrand reference are all portions of

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memory *"within the main memory 201."* Accordingly, the "buffering" relied on by the
Examiner (see Final Office Action, page 3) is all within the same memory (viz., main
memory 201). The Farrand reference, however, does not disclose A/V program data,
identifying related A/V program data, and automatically transferring A/V program data and
related A/V program between main memory 201 and mass storage device 230. More
importantly, the Farrand reference does not disclose automatically transferring A/V program
data and related A/V program between main memory 201 and mass storage device 230 based
on a sequential relationship of the A/V program data and the related A/V program data.
Rather, the Farrand reference simply provides for storing data and multimedia content in
main memory 201, and storing data and multimedia content in mass storage device 230 (see,
e.g., Farrand, para. [0043]).

Accordingly, Appellant submits that the Farrand reference does not disclose A/V
program data, identifying related A/V program data, and automatically transferring the A/V
program data and the related A/V program between (a) a memory and (b) an archival storage
system based on (c) a sequential relationship of the A/V program data and the related A/V
program data, wherein an earlier of the A/V program data and the related A/V program data
is stored in the memory, and a later of the A/V program data and the related A/V program
data is stored in the archival storage system, as recited in independent claims 1, 12, and 17.

For at least the reasons set forth above, Appellant submits that the Farrand reference
does not teach each and every element of independent claims 1, 12, and 17. Accordingly,
Appellant submits that independent claims 1, 12, and 17 are each patentably distinct from the
Farrand reference and, therefore, are each in a condition for allowance. Furthermore, as
dependent claims 3-6, 9-11, and 34-36 further define patentably distinct claim 1, dependent
claims 15 and 16 further define patentably distinct claim 12, and dependent claims 21-25 and
37-39 further define patentably distinct claim 17, Appellant submits that these dependent
claims are also patentably distinct from the Farrand reference and, therefore, are also in a
condition for allowance.

For example, dependent claims 22 and 23 further recite **"filtering a listing of the
A/V program data available from the source component based on a format of the A/V
program data"** and further recite **"filtering a listing of the A/V program data available**

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from the source component based on a type of the presentation device," respectively.

Further to that described above, the Farrand reference provides that:

> ...a user-navigable tuning index may be included which lists available content *by dates/times* and allows users to graphically select a particular broadcast channel and/or stored content from the mass storage device 230 (emphasis added) (Farrand, para. [0064]).

The Farrand reference, therefore, simply provides for listing of available content *"by date/times."* The Farrand reference, however, does not provide for filtering a listing of A/V program data available from a source component based on a format of the A/V program data and does not provide for filtering a listing of A/V program data available from a source component based on a type of the presentation device, as recited in dependent claims 22 and 23, respectively.

In addition, dependent claims 34 and 37 each further recite **"wherein the sequential relationship of the A/V program data and the related A/V program data is based on a recordation time or receipt time of the A/V program data and the related A/V program data,"** and dependent claims 35 and 38 each further recite **"wherein the sequential relationship of the A/V program data and the related A/V program data is based on a presentation time of the A/V program data and the related A/V program data to a user."** Accordingly, the sequential relationship of the A/V program data and the related A/V program data (as the basis for automatically transferring the A/V program data and the related A/V program between (a) a memory and (b) an archival storage system) is based on a recordation time of the A/V program data and the related A/V program data, a receipt time of the A/V program data and the related A/V program data, or a presentation time of the A/V program data and the related A/V program data to a user.

As outlined above, the Farrand reference does not disclose automatically transferring A/V program data and related A/V program between main memory 201 and mass storage device 230 based on a sequential relationship of the A/V program data and the related A/V program data. More importantly, the Farrand reference does not disclose a sequential relationship of A/V program data and related A/V program data based on a recordation time of A/V program data and related A/V program data, a receipt time of A/V program data and

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related A/V program data, or a presentation time of A/V program data and related A/V
program data to a user, as recited in dependent claims 34 and 35, and dependent claims 37
and 38. Rather, the Farrand reference simply provides for storing data and multimedia
content in main memory 201, and storing data and multimedia content in mass storage device
230 (see, e.g., Farrand, para. [0043]).

Furthermore, **"upon presentation of the A/V program data to a user,"** dependent
claims 36 and 39 further recite **"the data manager is adapted to extract next sequential
A/V program data from the archival storage system and store the next sequential A/V
program data in the memory,"** and **"extracting next sequential A/V program data from
the archival storage system and storing the next sequential A/V program data in the
memory,"** respectively. As outlined above, the Farrand reference simply provides for
storing data and multimedia content in main memory 201, and storing data and multimedia
content in mass storage device 230 (see, e.g., Farrand, para. [0043]). The Farrand reference,
however, does not provide for extracting next sequential A/V program data from mass
storage device 230 and storing the next sequential A/V program data in main memory 201,
upon presentation of A/V program data to a user. Accordingly, the Farrand reference does
not disclose, upon presentation of A/V program data to a user, extracting next sequential A/V
program data from an archival storage system and storing the next sequential A/V program
data in a memory, as recited in dependent claims 36 and 39.

In view of the above, Appellant respectfully submits that the rejection of claims 1, 3-
6, 9-12, 15-17, 21-25, and 34-39 under 35 U.S.C. 102(e) is not correct and should be
withdrawn, and submits that claims 1, 3-6, 9-12, 15-17, 21-25, and 34-39 should be allowed.

II. Rejections Under 35 U.S.C. §103

A. Applicable Law

In rejecting claims under 35 U.S.C. 103, it is incumbent upon the Examiner to
establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837
F.2d 107 1, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual
determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). "[T]he
examiner bears the initial burden, on review of the prior art or on any other ground, of

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presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

In identifying a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art teachings, the Examiner must show some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. v. Teleflex Inc.*, 127 S. Ct. 1727, 174 1 (2007). "[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977,988 (Fed. Cir. 2006) (citing *In re Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002); *In re Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998)).

Further, a rejection based on section 103 must rest upon a factual basis rather than conjecture, or speculation. "Where the legal conclusion [of obviousness] is not supported by the facts it cannot stand." *In re Warner*, 379 F.2d 101 1, 1017 (CCPA 1967). *See also In re Kahn*, 441 F.3d at 988 (Fed. Cir. 2006).

B. Rejection of claims 2, 14, and 19 under 35 U.S.C. 103(a)

Because the rejection of claims 2, 14, and 19 under 35 U.S.C. 103(a) as being unpatentable over Farrand, U.S. Publication No. 2003/0193619 in view of Margulis, U.S. Patent No. 6,263,503, and further in view of Liebenow, U.S. Patent No. 6,131,136 fails to establish a *prima facie* case of obviousness, the rejection of claims 2, 14, and 19 is not correct and should be withdrawn.

Claim 2 depends from independent claim 1, claim 14 depends from independent claim 12, and claim 19 depends from independent claim 17, and, as such, each include all of the limitations of the respective independent claims. As outlined above, Appellant submits that the Farrand reference does not disclose A/V program data, identifying related A/V program data, and automatically transferring the A/V program data and the related A/V program between (a) a memory and (b) an archival storage system based on (c) a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system.

The Margulis reference provides a wireless television system comprising a wireless base station that processes and combines various program sources to produce a processed

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stream, and a transmitter that transmits the processed stream as a broadcast output stream to various portable wireless display devices for flexible viewing at variable remote locations (see Abstract), and the Liebenow reference relates to a dual modem that automatically switches between a wireless and wire-based communication modes using mode selection circuitry that detects when a wire-based communications network is coupled to the modem (see Abstract). Neither the Margulis reference nor the Liebenow reference, however, disclose A/V program data, identifying related A/V program data, and automatically transferring the A/V program data and the related A/V program between (a) a memory and (b) an archival storage system based on (c) a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system.

As such, Appellant submits that neither the Margulis reference nor the Liebenow reference overcome the shortcomings of the Farrand reference. Appellant, therefore, submits that modifying the Farrand reference in view of the Margulis and Liebenow references, in the manner suggested by the Examiner, does not teach or suggest all of the limitations of claims 2, 14, and 19. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

For at least the reasons set forth above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 2, 14, and 19. Appellant, therefore, respectfully submits that the rejection of claims 2, 14, and 19 under 35 U.S.C. 103(a) is not correct and should be withdrawn, and submits that claims 2, 14, and 19 should be allowed.

C. Rejection of claim 26 under 35 U.S.C. 103(a)

Because the rejection of claim 26 under 35 U.S.C. 103(a) as being unpatentable over Francis et al., U.S. Publication No. 2004/0187152 in view of Farrand, U.S. Publication No. 2003/0193619 fails to establish a *prima facie* case of obviousness, the rejection of claim 26 is not correct and should be withdrawn.

Independent claim 26 includes, amongst other things and in the combination recited, **"a data manager adapted to automatically transfer the available A/V program data between a memory and an archival storage system based on a sequential relationship of**

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the available A/V program data," wherein "earlier A/V program data is stored in the memory and later A/V program data is stored in the archival storage system."

The Examiner recognizes that the Francis reference does not disclose a data manager as recited in independent claim 26 and, as such, relies on the Farrand reference for such teaching (see Final Office Action, pages 12-13). As outlined above, the Farrand reference simply provides for storing data and multimedia content in main memory 201, and storing data and multimedia content in mass storage device 230 (see, e.g., Farrand, para. [0043]). The Farrand reference, however, does not disclose automatically transferring A/V program data between main memory 201 and mass storage device 230 based on a sequential relationship of the A/V program data. More importantly, the Farrand reference does not disclose a data manager adapted to automatically transfer available A/V program data between (a) a memory and (b) an archival storage system based on (c) a sequential relationship of the available A/V program data, wherein earlier A/V program data is stored in the memory, and later A/V program data is stored in the archival storage system, as recited in independent claim 26. Appellant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of independent claim 26, and submits that independent claim 26 is patentably distinct from the Francis and Farrand references. Appellant, therefore, respectfully submits that the rejection of claim 26 under 35 U.S.C. 103(a) is not correct and should be withdrawn, and submits that claim 26 should be allowed.

D. Rejection of claims 27 and 28 under 35 U.S.C. 103(a)

Because the rejection of claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Francis et al., U.S. Publication No. 2004/0187152 in view of Farrand, U.S. Publication No. 2003/0193619, further in view of Liebenow, U.S. Patent No. 6,131,136 fails to establish a *prima facie* case of obviousness, the rejection of claims 27 and 28 is not correct and should be withdrawn.

Claims 27 and 28 depend from independent claim 26 and, as such, each include all of the limitations of independent claim 26. As outlined above, Appellant submits that the Francis and Farrand references do not disclose a data manager adapted to automatically

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transfer available A/V program data <u>between</u> (a) <u>a memory</u> and (b) <u>an archival storage system</u> based on (c) <u>a sequential relationship</u> of the available A/V program data, wherein <u>earlier A/V program data</u> is stored <u>in the memory</u>, and <u>later A/V program data</u> is stored <u>in the archival storage system</u>.

The Liebenow reference relates to a <u>dual</u> modem that automatically switches between a wireless and wire-based communication modes using mode selection circuitry that detects when a wire-based communications network is coupled to the modem (see Abstract). The Liebenow reference, however, does <u>not</u> disclose a data manager adapted to <u>automatically transfer</u> available A/V program data <u>between</u> (a) <u>a memory</u> and (b) <u>an archival storage system</u> based on (c) <u>a sequential relationship</u> of the available A/V program data, wherein <u>earlier A/V program data</u> is stored <u>in the memory</u>, and <u>later A/V program data</u> is stored <u>in the archival storage system</u>.

As such, Appellant submits that the Liebenow reference does <u>not</u> overcome the shortcomings of the Francis and Farrand references. Appellant, therefore, submits that modifying the Francis and Farrand references in view of the Liebenow reference, in the manner suggested by the Examiner, does <u>not</u> teach or suggest all of the limitations of claims 27 and 28. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

For at least the reasons set forth above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of claims 27 and 28. Appellant, therefore, respectfully submits that the rejection of claims 27 and 28 under 35 U.S.C. 103(a) is not correct and should be withdrawn, and submits that claims 27 and 28 should be allowed.

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CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either Reed J. Hablinski at Telephone No. (281) 514-7828 or Scott A. Lund at Telephone No. (612) 573-2006.

Respectfully submitted,

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CLAIMS APPENDIX

1.   (Previously Presented) An audio/video (A/V) component networking system, comprising:

a sink component adapted to be communicatively coupled between a source component and a presentation device for displaying A/V program data and an A/V menu data stream associated with the source component on the presentation device based on a user request transmitted from the sink component to the source component; and

a data manager adapted to identify related A/V program data and automatically transfer the A/V program data and the related A/V program data between a memory and an archival storage system based on a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system.

2.   (Previously Presented) The system of Claim 1, wherein the sink component is adapted to automatically change from a selected type of communication network to another type of communication network based on a type of the source component or a type of the A/V program data.

3.   (Original) The system of Claim 1, wherein the sink component comprises a registration module adapted to register a type of communication network for communication with the source component.

4.   (Original) The system of Claim 1, wherein the sink component comprises a registration module adapted to register the source component with the sink component.

5.   (Original) The system of Claim 1, wherein the sink component is adapted to present to the user a listing of the A/V program data available from the source component.

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6.   (Original) The system of Claim 1, wherein the sink component comprises a
registration module adapted to register the presentation device with the sink component.

7-8.   (Cancelled)

9.   (Original) The system of Claim 1, wherein the sink component is adapted to present
to the user on the presentation device a listing of the A/V program data available from the
source component.

10.   (Original) The system of Claim 1, wherein the sink component is adapted to decode
the A/V program data for presentation on the presentation device.

11.   (Original) The system of Claim 1, wherein the sink component is adapted to display
to the user via the presentation device a menu interface associated with the source
component.

12.   (Previously Presented) An audio/video (A/V) component networking system,
comprising:

means for transmitting, via a sink component communicatively coupled between a
source component and a presentation device, A/V program data and an A/V menu data
stream from the source component to the presentation device based on a user request
transmitted from the sink component to the source component; and

means for identifying related A/V program data and automatically transferring the
A/V program data and the related A/V program data between a memory and an archival
storage system based on a sequential relationship of the A/V program data and the related
A/V program data, wherein an earlier of the A/V program data and the related A/V program
data is stored in the memory, and a later of the A/V program data and the related A/V
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13.   (Cancelled)

14.   (Previously Presented) The system of Claim 12, further comprising means for automatically selecting at least one of a plurality of different types of communication networks for communicating between the sink component and the source component based on a type of the source component or a type of the A/V program data.

15.   (Original) The system of Claim 12, further comprising means for performing a registration operation to register each available type of communication network for communicating the source component.

16.   (Original) The system of Claim 12, further comprising means for performing a registration operation to register the source component with the sink component.

17.   (Previously Presented) An audio/video (A/V) networking method, comprising:
            transmitting, via a sink component communicatively coupled between a source component and a presentation device, A/V program data and an A/V menu data stream from the source component to the presentation device based on a user request transmitted from the sink component to the source component; and
            identifying related A/V program data and automatically transferring the A/V program data and the related A/V program data between a memory and an archival storage system based on a sequential relationship of the A/V program data and the related A/V program data, wherein an earlier of the A/V program data and the related A/V program data is stored in the memory, and a later of the A/V program data and the related A/V program data is stored in the archival storage system.

18.   (Cancelled)

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19.   (Previously Presented) The method of Claim 17, further comprising automatically changing from a selected type communication network to another type of communication network for communicating between the sink component and the source component based on a type of the source component or a type of the A/V program data.

20.   (Cancelled)

21.   (Original) The method of Claim 17, further comprising automatically registering at least one of a plurality of different types of communication networks with the sink component.

22.   (Original) The method of Claim 17, further comprising filtering a listing of the A/V program data available from the source component based on a format of the A/V program data.

23.   (Original) The method of Claim 17, further comprising filtering a listing of the A/V program data available from the source component based on a type of the presentation device.

24.   (Original) The method of Claim 17, further comprising decoding the A/V program data for presentation on the presentation device.

25.   (Original) The method of Claim 17, further comprising displaying a menu interface associated with the source component.

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26.   (Previously Presented) An audio/video (A/V) component networking system, comprising:

a sink component configured to be communicatively coupled between a plurality of source components and a presentation device for displaying an aggregated listing of available A/V program data associated with the plurality of source components on the presentation device such that the location of the A/V program data remains transparent to the user; and

a data manager adapted to automatically transfer the available A/V program data between a memory and an archival storage system based on a sequential relationship of the available A/V program data, wherein earlier A/V program data is stored in the memory and later A/V program data is stored in the archival storage system.

27.   (Previously Presented) The system of Claim 26, wherein the sink component is configured to automatically switch from a first type of communication network to a second type of communication network based on a signal condition on the first type of communication network.

28.   (Previously Presented) The system of Claim 26, wherein the sink component is configured to automatically switch from a first type communication network to a second type of communication network based on a change in the A/V program data being transmitted from the source component.

29-33. (Cancelled)

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34.   (Previously Presented) The system of Claim 1, wherein the sequential relationship of the A/V program data and the related A/V program data is based on a recordation time or receipt time of the A/V program data and the related A/V program data.

35.   (Previously Presented) The system of Claim 1, wherein the sequential relationship of the A/V program data and the related A/V program data is based on a presentation time of the A/V program data and the related A/V program data to a user.

36.   (Previously Presented) The system of Claim 1, wherein, upon presentation of the A/V program data to a user, the data manager is adapted to extract next sequential A/V program data from the archival storage system and store the next sequential A/V program data in the memory.

37.   (Previously Presented) The method Claim 17, wherein the sequential relationship of the A/V program data and the related A/V program data is based on a recordation time or receipt time of the A/V program data and the related A/V program data.

38.   (Previously Presented) The method Claim 17, wherein the sequential relationship of the A/V program data and the related A/V program data is based on a presentation time of the A/V program data and the related A/V program data to a user.

39.   (Previously Presented) The method Claim 17, further comprising, upon presentation of the A/V program data to a user, extracting next sequential A/V program data from the archival storage system and storing the next sequential A/V program data in the memory.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.